

Decision **DRAFT DECISION OF ALJ WETZELL** (Mailed 4/2/2002)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 1999.

(U 39 M)

Application 97-12-020
(Filed December 12, 1997)

Investigation into the Reasonableness of Expenses Related to the Out-Of-Service Status of Pacific Gas and Electric Company's El Dorado Hydroelectric Project and the Need to Reduce Electric Rates Related To This Non-Functioning Electric Generating Facility.

Investigation 97-11-026
(Filed November 19, 1997)

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Decrease its Rates and Charges for Electric and Gas Service, and Increase Rates and Charges for Pipeline Expansion Service.

Application 94-12-005
(Filed December 9, 1994)

Order Instituting Investigation Into Rates, Charges, and Practices of Pacific Gas and Electric Company.

Investigation 95-02-015
(Filed February 22, 1995)

OPINION DISMISSING PETITION OF JAMES WEIL AND THE UTILITY REFORM NETWORK FOR MODIFICATION OF DECISION 00-02-046

James Weil and The Utility Reform Network (petitioners) have filed a joint petition for modification of Decision (D.) 00-02-046, which resolved most issues in the test year 1999 general rate case of Pacific Gas and Electric Company (PG&E). Among other things, D.00-02-046 authorized PG&E to file an application for attrition rate adjustments for 2001. Alleging new and changed facts, petitioners request that the Commission suspend or rescind the attrition rate adjustments authorized by D.00-02-046. The Office of Ratepayer Advocates filed a response in support of the petition. PG&E filed a response in opposition.

Pursuant to the authority granted by D.00-02-046, PG&E filed Application (A.) 00-07-043. By D.02-02-043, the Commission authorized an attrition adjustment of \$150,838,000 and closed that proceeding. In view of the Commission's grant of authority in A.00-07-043, the instant petition is moot and will therefore be dismissed.

Comments on Draft Decision

The draft decision of was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7.

Finding of Fact

Because the Commission has granted PG&E an attrition rate adjustment for 2001, the instant petition is moot.

Conclusion of Law

Petitioners' request should be dismissed as moot.

O R D E R

IT IS ORDERED that the petition of James Weil and the Utility Reform Network for modification of Decision 00-02-046 is dismissed as moot.

This decision is effective today.

Dated _____, at San Francisco, California.